

**GOVERNMENT OF THE VIRGIN ISLANDS
DEPARTMENT OF PLANNING AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION**

STOP-USE ORDER

Respondent: Terminix International USVI, LLC

Location: 6300 Estate Peters Rest Suite 1, St. Croix, Virgin Islands 00820

Date: March 26, 2015

Time:

Stop-Use Number: STX-SU01-15

The Commissioner Nominee of the Department of Planning and Natural Resources issues this Stop-Use Order pursuant to V.I. Code Ann. tit 12, §838 (a) (1) (2011) based on the following:

1. On March 25, 2015, the Division of Environmental Protection- Pesticide Program (DEP-PP) conducted a Misuse Inspection and found the following product at Terminix International USVI, LLC (Respondent): **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)**;
2. Further, the inspection revealed that the above products contained pesticidal claims on the labels and therefore is considered a pesticide as defined in V.I. Code Ann. tit 12, §801 (45) (2011);
3. Further, the inspection revealed that the above pesticide product was used on July 15, 2014 to fumigate a 20" container with dry lumber, on November 26, 2014 at #143 Shoys, and on December 19, 2014, on kitchen cabinets at the Armory Building on St. Croix. Number 143 Shoys is best described as a residential area.
4. Further, the inspection revealed that **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)** is not approved for use in residential structures;
5. Further, the inspection revealed that Respondent did not apply **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)** in a manner consistent with the attached label; and
6. Further, the inspection revealed that Respondent did not store **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)** in a manner consistent with the attached label.

V.I. Code Ann. tit 12, §836 (a) (5) (2011) specifically prohibits the use of any pesticide that is being used in a manner which is inconsistent with the provisions of this Chapter. The Virgin Islands law also states in V.I. Code Ann. tit 12, §838 (c) (2011) that "[w]henver the Commissioner finds, or has probable cause to believe, that a pesticide is being used in violation of any provision of this chapter or rules and regulations promulgated pursuant thereto, the Commissioner may issue a stop-use order requiring the user of the pesticide immediately to cease using such pesticide and immediately to remove such pesticide to the specified location[.]"

In consideration of the foregoing, Respondent, upon receipt of this Stop-Use Order, is hereby

ORDERED to immediately stop using **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)** and any other pesticide containing methyl bromide in the United States Virgin Islands, to include St. Thomas, St. John and St. Croix; and it is further

ORDERED to provide DPNR-DEP, by close of business on March 26, 2015, with all documentation relating to Respondent's purchase, use and application, anywhere in the U.S. Virgin Islands, of **Methyl Bromide Quarantine Fumigant (EPA Registration No. 8536-29-87994)** or any other pesticide containing methyl bromide over the last twelve

months, and to be available to answer questions from DPNR-DEP with regard to such purchase, use or application; and it is further

ORDERED to quarantine the above pesticide in their current secure locations, unless DPNR-DEP or the U.S. Environmental Protection Agency direct otherwise or have taken custody of the pesticides; and it is further

ORDERED to not remove, destroy, alter or affect the above pesticides, or the containers in which they are stored, in any manner while in quarantine unless authorized in writing by DPNR-DEP; and it is further

ORDERED to provide DPNR with access in both St. Thomas and St. Croix to inspect and, at DPNR's discretion, remove all quantities of the above pesticides.

Pursuant to V.I. Code Ann. tit 12, §839 (b) (2011), Respondent shall have ten (10) days from the date of receipt of this Stop-Use Order to show cause to the Commissioner Nominee, in writing, as to why the above listed pesticides should not be disposed of in accordance with the provisions of law. This Order shall pertain to all quantities and volumes of the above listed pesticides within the ownership, control, or custody of Respondent, wherever located.

The occurrence alleged above, and/or your failure to comply with the terms of this Stop-Use Order, or any other order(s) pertaining to the above listed pesticides constitutes a violations of V.I. Code Ann. tit 12, §842 (a) (2011) which states in part "[e]xcept as otherwise provided in this subsection, any person who violates any provision of this chapter or any rule, regulation or order issued there under or commits any offense described in section 836 of this chapter shall be liable to the people of the United States Virgin Islands for a civil penalty not to exceed \$5000 dollars for a first violation..."

Received By: _____
Signature and Title and Date

Name Printed: _____

SO ORDERED THIS 26 DAY OF March, 2015


Dawn L. Henry, Esq., Commissioner Nominee